



## Unit Policy

### Title

### University of North Carolina at Chapel Hill Police Department Policy on Automated License Plate Readers (08-10)

### Introduction

#### PURPOSE

This **Policy** establishes **Procedures** and guidelines for the use of **Automated License Plate Reader (ALPR)** technology by members of the **University of North Carolina at Chapel Hill Police Department (UNC-Chapel Hill PD)**.

#### SCOPE OF APPLICABILITY

**UNC-Chapel Hill PD** Full-time and Part-time Sworn, and Non-Sworn Personnel

### Policy

#### Policy Statement

It is the **Policy** of the **UNC-Chapel Hill PD** to utilize any and all forms of technology that provides a direct benefit to the mission and goals of the organization. **ALPRs** are authorized for use by trained members of the department to provide information and investigative resources to officers. **Data** obtained by the use of an **ALPR** cannot be used by agency personnel for the enforcement of traffic violations. At all times, **ALPRs** will be used in accordance with the state of North Carolina and federal laws protecting an individual's reasonable expectation of privacy.

#### A. Overview

An **ALPR** system consists of cameras connected to a computer processing unit that converts images of license plates into computer-readable data. **ALPRs** are maintained by the company who makes the product. This includes the hardware and installation and maintenance of any equipment. These cameras and infrastructure free (solar power and **Long-Term Evolution (LTE)** connectivity), and **University of North Carolina at Chapel Hill Information Technology Services (UNC ITS)** are not required for operation.



These cameras can identify the following vehicle characteristics:

1. Body type;
2. Make;
3. Color;
4. License plate (partial, missing, or covered plates);
5. Temporary plates;
6. License plate state; and
7. Unique features:
  - i. Decals;
  - ii. Bumper stickers; and
  - iii. Accessories.

#### B. Databases Used for Comparison to **ALPR Data**

1. The **Federal Bureau of Investigations (FBI)** maintains and operates the **National Crime Information Center (NCIC)**, which provides an extract of **NCIC vehicle Data** that can be used with **ALPRs**. This **Data** includes information from the following **NCIC** files:
  - i. Vehicle;
  - ii. License plate;
  - iii. Wanted person;
  - iv. Protection order;
  - v. Extreme risk protection order;
  - vi. Missing person;
  - vii. Gang;



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- viii. Threat screening center;
- ix. Supervised release offenders;
- x. National sex offender registry;
- xi. Immigration violator;
- xii. Protective interest; and
- xiii. Violent person.

2. **Hot List** generated by the **UNC-CH PD**.

C. **Data** Recorded by **ALPRs** & Law Enforcement **Data** Request

1. All **Data** obtained and stored through use of **ALPRs** is considered a record of a criminal Investigation pursuant to **North Carolina General Statute (NCGS) § 132-1.4** and must be used solely for the purpose for the purpose of attempting to prevent, solve, or detect violations of the law.
2. **Data** obtained and/or stored through use of **ALPRs** is not a public record and must not be disseminated outside of **UNC-Chapel Hill PD**. **Data** obtained and stored through use of **ALPRs** may be shared with other **Law Enforcement Agencies** that request access for a legitimate law enforcement purpose only upon approval by the **ALPR Agency Administrator**. All such requests from other **Law Enforcement Agencies** must be in writing to the **ALPR Agency Administrator** and can be in an electronic format.
3. The use and effectiveness of the **ALPR** system must be audited and the report submitted to the Chief of Police. The **Annual** audit must include:
  - i. Written **Policy** governing **UNC-Chapel Hill PD's** use of the **Universities ALPR**;
  - ii. Records of **ALPR** operators and their **ALPR** usage;
  - iii. The number of requests for captured **Data** shared with other **Law Enforcement Agencies**; and



iv. The amount of **Data** preserved more than ninety (90) days compared to the amount of data captured on an **Annual** basis.

4. Use of **Data** obtained from the **ALPR** system not operated by the **UNC-Chapel Hill PD** must be used in accordance with **NCGS**, **University Policy** and **UNC-Chapel Hill PD General Orders (GO)**.

#### D. Internal **Data** Security and Access

1. The **ALPR** company controls the server that maintains all **ALPR Data**, unless it is information pulled by the **UNC-Chapel Hill PD** for investigative purposes or at the request of another **Law Enforcement Agency**.
2. **UNC-Chapel Hill PD** law enforcement personnel are required to utilize single-sign on authentication governed by **UNC-Chapel Hill Standard** on Passwords, Pass-Phrases, and Other Authentication Methods.
  - i. Access to **Scan File Data** is secured and controlled by a login/password accessible system, capable of documenting who accessed the information by identity, date and time.
3. Only authorized personnel trained in the use of **ALPR** can operate the system. All authorized personnel must complete the required training prior to use.
4. **Scan file Data** is captured on an ongoing basis, it is automatically uploaded into the **ALPR** server from the **Fixed ALPR**. All lists update automatically.
5. Officers with single sign in authentication must log on and remain logged in during the entirety of their work shift. The “dispatch” screen can run in the computer background and gives an audible and visible alert if a listed vehicle is in the area.
6. Department personnel are responsible for the security of the **ALPR Data** and may only access, use, release and/or disseminate **Hot List** and **Scan File Data** for official and legitimate law enforcement purposes:



- i. As with other similar **Data**, the **UNC-Chapel Hill PD** ensures that the storage, use and transmission of **Scan File** and **Hot List Data** is as secure as reasonably possible. Access to both must be restricted only to sworn law enforcement personnel and designated non-sworn personnel.
  - ii. **Hot List Data** is considered confidential information. Security of the **Hot List Data** is the responsibility of the officer using the **ALPR** or personnel accessing the **Data**.
7. Shared **Data** from an outside agency **ALPR** system must be treated as if it came from our own agency **ALPR** system.
8. Officers must follow the 08-09.1 **UNC-Chapel Hill PD Procedure** for Use of the **ALPR** System.
- i. Officers may only take enforcement action once they have confirmed the status of the plate through **NCIC** or other appropriate official database.

#### E. Storage of **Data**

1. All **Data** obtained from **ALPR's** must be deleted within thirty (30) days from the date it was recorded except in the following circumstances:
- i. Criminal investigative purposes;
  - ii. A search warrant is issued pursuant to article 11 Chapter 15A of **NCGS**;
  - iii. A federal search warrant is issued in compliance with the Federal Rules of Criminal Procedure; or
  - iv. A preservation request is made or received by a **Law Enforcement Agency**
2. A written request from a **Law Enforcement Agency** must be in the form of a written, sworn statement and must include the following information in order to preserve the captured data:
- i. The location of the particular **ALPR(s)**;



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- ii. The particular license plate(s);
  - iii. The date(s) and time frame(s) of image(s) captured;
  - iv. The case and identity of the parties involved in the case; and
  - v. Specific and articulable facts showing that there are reasonable grounds To believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation.
- 3. Any preserved **Data** must be destroyed no later than one (1) year from the time of the preservation request. The year-long preservation period can be reset with the issuance of a refreshed preservation request from a **Law Enforcement Agency** or a new state of federal search warrant.
  - 4. Any **Data** that **UNC-Chapel Hill PD** maintains is to be placed into the department's **Record Management System (RMS)** and documented via an investigative or supplemental report.
  - 5. The **ALPR** system automatically purges all stored **Data** after thirty (30) days.
  - 6. **Hot List Data** requests are purged when they are no longer relevant to a criminal investigation.

F. Supervisory Oversight

- 1. Patrol and criminal investigations division supervisors must complete a quarterly report that includes the following information:
  - i. Who accessed the **ALPR** system;
  - ii. How much data was used by each officer;
  - iii. The number of searches each officer conducted; and
  - iv. The number of **Hot List Data** entry request each officer made for data in the **ALPR** system.



- iv. The number of **Hot List Data** entry request each officer made for **Data** in the **ALPR** system.
2. Supervisors must make all maintenance request through the **UNC-Chapel Hill PD IT** help Portal when they are made aware of any **ALPR** system malfunctions.
3. Supervisors must review all **Hot List Data** entry request prior to an officer submitting the information to the **ALPR Agency Administrator**.

#### G. Personnel Training

1. The **UNC-Chapel Hill PD** requires that all personnel who access the **ALPR** system complete training in order to become an authorized user Before they are permitted to access the **Data** in the **ALPR** system.
2. The **UNC-Chapel Hill PD** training sergeant maintains all training rosters and documentation created for **ALPR** system training(s) conducted for agency personnel.
3. The **UNC-Chapel Hill PD** training sergeant is responsible for making sure that all Authorized **ALPR** system users have received training prior to accessing the **ALPR** system.
4. Authorized users must complete **ALPR** system **Policy** review on an **Annual** basis or anytime **NCGS** is updated.
5. The department's training for authorized users will include:
  - i. Purposes of the **ALPR Policy**;
  - ii. Substance and intent of the provision of this **ALPR Policy**, including any revisions, relating to the collection, receipt, access, use, dissemination, retention, and purging of **ALPR Data**;
  - iii. The privacy, civil rights and civil liberties protections on the use of the technology and the information collected or received;
  - iv. Appropriate **Procedures** relating to license plate image quality and mitigating the risks associated with a possible misread by the **ALPR** system;



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vii. Mechanisms for reporting violations of **Policy**; and

viii. The nature and possible penalties for **ALPR** system policy violations.

6. All law enforcement officer new hires and telecommunicators are required to complete this training as part of their department orientation training prior to the start of their department **Field Training**.

H. Maintenance of **ALPR** System

1. Officer's must report any damage or other malfunctions to the **ALPR** system equipment to their immediate supervisor. This information must be entered by the immediate supervisor into the **UNC-Chapel Hill ITS** help portal, so that it can be addressed by **UNC-Chapel Hill ITS** in a timely manner.
2. The **UNC-Chapel Hill ITS** police operations manager is responsible for the Maintenance and maintaining any related documentation for the **ALPR** system.



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## Definitions

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**ALPR (Automated License Plate Reader):** A system of one or more fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable **Data**.

**ALPR Agency Administrator:** Individual designated by the Chief of Police to maintain and monitor the **ALPR** system. The **CID** lieutenant or their designee are responsible for overseeing the department's use of the **ALPR** system.

**Annual:** Once a year

**CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.):** Credentialing accreditation association that provides programs with standards that provide best practices to life, health, and safety procedures for this agency.

**Data:** All information captured by an **ALPR** and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data. A contextual photo (e.g. a photo of the scanned vehicle), location information, and the date and time of the scan.

**FBI (Federal Bureau of Investigation):** Intelligence driven, and threat focused national security organization with both intelligence and law enforcement responsibilities, that is staffed with more than 30,000 personnel across the US and around the world.

**Field Training:** A structured and closely supervised program provided to recruit officers to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.

**GO (General Order):** A term used by some agencies to describe directives of a long standing nature concerned with **Policy** and **Rules and Procedures** affecting more than one organizational component.

**Hit Confirmation:** A secondary check awaiting notification by the original entering agency that "hit) by the ALPR to determine if still valid.

**Hot List:** A license plate associated with a vehicle of interest from **NCIC** or a vehicle involved in a criminal investigation.

**Law Enforcement Agency:** Any agency of the state of North Carolina who is empowered by the laws of the state to conduct investigations or to make arrests.

**LTE (Long Term Evolution):** A standard for wireless broadband communication for mobile devices and data terminals.



**NCIC (National Crime Information Center):** A computerized database of documented criminal justice information available for virtually every law enforcement agency nationwide, twenty-four (24) hours a day, three hundred and sixty-five (365) days a year. NCIC operates under a shared management concept between the FBI and state, federal criminal justice users since its inception. Agencies that enter records are responsible for the accuracy, timeliness, and completeness of these records. It is divided into two categories:

- A. Person files; and
- B. Property files.

**NCGS (North Carolina General Statute):** Laws passed by the North Carolina General Assembly, which consists of the North Carolina House of Representatives and the North Carolina Senate.

**Policy: A Written Directive** that is a broad statement of agency principles. **Policy** statements usually do not establish fixed **Rules** or set **Procedures** for conduct of a particular activity but rather provide a framework for development of **Procedures** and **Rules and Regulations**.

**Procedure: A Written Directive** is a guide for carrying out agency activities. **Procedures** sometimes allow some latitude and discretion in carrying out an activity.

**Rules and Regulations:** A specific set of guidelines to which all employees must adhere. These include, but are not limited to, any published requirements of statutorily designated regulatory organizations that affect the department, all federal and state laws, county and municipal ordinances, or **Policies** and **Procedures** established generally by the North Carolina Criminal Justice Education and Training Standards Commission to regulate or guide any aspect of the performance and/or conduct of the department and its employees.

**Scan File Data:** Information obtained by **ALPR** of license plates within public view that were read by the device, including images of the plate and vehicle on which it is displayed, and information regarding the location of the stationary camera position at the time the information was captured. Information stored includes a photo of the registration plate showing the rear of the vehicle, a date and time stamp of when the registration plate was read by the **ALPR** and a location to identify where the registration plate was read by the **ALPR**.



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**UNC-Chapel Hill (University): The University of North Carolina at Chapel Hill**

A post-secondary educational institution that provides not less than a two (2) year program of instruction that is acceptable for credit towards a bachelor's degree; and/or is an institution of higher education offering certificate or apprenticeship programs at the post-secondary level. Post-secondary education is defined as the provision of a formal instructional program whose curriculum is designed primarily for students who are beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education, and excludes vocational and adult basic education programs.

**UNC-Chapel Hill ITS: University of North Carolina at Chapel Hill Information Technology Services**

**UNC-Chapel Hill PD: University of North Carolina at Chapel Hill Police Department**

**UNC-Chapel Hill RMS (Records Management System):** Electronic software by Central Square used by the **UNC-Chapel Hill PD** to maintain documented **Incidents** and encounters those officers have with the public.

**Written Directive:** Any written document used to guide or affect the performance or conduct of agency employees. The term includes **Policies, Procedures, Rules and Regulations, General Orders**, special orders, **Memorandums**, and instructional material.

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**Related Requirements**

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- **CALEA Standards:** 41.3.9 License Plate Recognition Systems, 42.2.3 Communication with Patrol Personnel, 81.2.4 Radio Communications Procedures & 81.2.8 Local/State/Federal CJI Systems
- **CALEA Communications Standards:** 6.4.5 Criminal Justice Information Systems, 6.7.1 Records Privacy and Security Precautions & 6.8.4 Computer Use, Policies and Procedures.

**External Regulations and Forms**

- Civil Rights Act of 1964
- FBI Privacy impact Assessment for the National Crime Information Center, November 7, 2022
- Federal Drivers Privacy Protection Act of 1994, 18 **U.S.C.** 2721-2725
- **NCGS** §20-183.30 Article 3D Automatic License Plate Reader Systems
- **NCGS** §20-183.31 Regulation of Use

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- **NCGS** §20-183.32 Preservation and Disclosure of Records
- **NCGS** §20-183.32A Report on Automatic License Plate Reader Systems
- United States v. Yang, 958 F.3d 851-853 (9<sup>th</sup> Cir. 2020)
- United States v. Curtis Ellison, 462 F.3d 557 (6<sup>th</sup> Cir. 2006), cert. denied; 552 U.S. 947 (2007)

## Unit Policies, Standards, Procedures and Forms

- **UNC-Chapel Hill Communications Hit Confirmation Procedure**
- **UNC-Chapel Hill Information Classification Standard**
- **UNC-Chapel Hill Information Technology Acceptable Use Policy**
- **UNC-Chapel Hill Information Technology Access Control Standard**
- **UNC-Chapel Hill PD ALPR Data Entry Request Form**
- **UNC-Chapel Hill PD GO 04-08 Traffic Law Enforcement**
- **UNC-Chapel Hill PD Outside Agency ALPR Data Request Form**
- **UNC-Chapel Hill Policy on Information Security**
- **UNC-Chapel Hill Standard on Information Security Controls**

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## Contact Information

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### Policy Contact(s)

#### UNC-Chapel Hill PD Administrative Services Lieutenant

Phone: 919-799-8969

Email: howardmd@unc.edu

#### UNC-Chapel Hill PD Chief of Police

Phone: 919-966-5730

Email: brian.james@unc.edu

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## Important Dates

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Initial approval by:

Brian James, June 7, 2024

**UNC-Chapel Hill** Chief of Police